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CHRISTIANAH AROWORA

FILED

JUN 19 2012

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

Fee Paid
Miss.

ADR

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

CHRISTIANAH AROWORA,

Plaintiff,

vs.

DIVERSIFIED COLLECTION
SERVICES, INC.; and DOES 1 to 10,
inclusive,

Defendants.

Case No.:

C12-03152

EDL

**COMPLAINT AND DEMAND FOR
JURY TRIAL**

(Unlawful Debt Collection Practices)

Demand Does Not Exceed \$10,000

COMPLAINT

INTRODUCTION

1. This is an action for actual and statutory damages brought by Plaintiff, Christianah Arowora, an individual consumer, against Defendant, Diversified Collection Services, Inc., for violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* (hereinafter "FDCPA"), which prohibits debt collectors from engaging in abusive, deceptive, and unfair practices.

VENUE AND JURISDICTION

2. Jurisdiction of this court arises under 15 U.S.C. § 1692k(d) and 28 U.S.C. § 1337. Declaratory relief is available pursuant to 28 U.S.C. §§ 2201 and 2202. Venue in this District is proper in that the Defendant transacts business here.

PARTIES

3. Plaintiff, Christianah Arowora, is a natural person with a permanent residence in Round Lake, Lake County, Illinois 60073.

4. Upon information and belief the Defendant, Diversified Collection Services, Inc., (hereinafter "Defendant") is a business entity engaged in the business of collecting debt in this state and in several other states, with its principal place of business located at 333 North Canyons Parkway, Suite 100, Livermore, Alameda County, California 94551. The principal purpose of Defendant is the collection of debts in this state and several other states, and Defendant regularly attempts to collect debts alleged to be due another.

5. Defendant is engaged in the collection of debts from consumers using the mail and telephone. Defendant regularly attempts to collect consumer debts alleged to be due to another. Defendant is a "debt collector" as defined by the FDCPA, 15 U.S.C. § 1692a(6).

FACTS

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2 6. The debt Defendant is attempting to collect on is an alleged obligation
3 of a consumer to pay money arising out of a transaction in which the money,
4 property, insurance or services which are the subject of the transaction are
5 primarily for personal, family, or household purposes, whether or not such
6 obligation has been reduced to judgment.
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9 7. Within one (1) year preceding the date of this Complaint and during
10 the first thirty (30) days of communicating with Plaintiff, Defendant, in connection
11 with the collection of the alleged debt, demanded payment of \$40,000.00 on the
12 alleged debt and thereby overshadowed the Plaintiff's right to dispute the validity
13 of the debt.
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16 8. Within one (1) year preceding the date of this Complaint, Defendant,
17 in connection with the collection of the alleged debt, contact Plaintiff and
18 threatened to take legal action against Plaintiff.
19

20 9. Defendant has no standing to commence legal proceedings on behalf
21 of the creditor.
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23 10. Defendant is a debt collection company and as a debt collection
24 company attempting to collection an alleged debt, Defendant can only refer the
25 matter back to the creditor with a recommendation that the original creditor
26 attempt legal proceedings.
27
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12. The natural consequences of Defendant's statements and actions was to unjustly condemn and vilify Plaintiff for her non-payment of the debt she allegedly owed.

14. The natural consequences of Defendant's statements and actions was to cause Plaintiff mental distress.

15. Defendant utilized unfair and unconscionable means to collect on Plaintiff's alleged debt, by lying to and misleading Plaintiff and speaking to her in an offensive and verbally abusive manner.

16. Plaintiff repeats and realleges and incorporates by reference to the foregoing paragraphs.

17. Defendants violated the FDCPA. Defendants' violations include, but are not limited to, the following:

(a) Defendant violated §1692d of the FDCPA by engaging in conduct the natural consequences of which is to harass, oppress, or abuse

1 any person in connection with the collection of an alleged debt;
2 and

3 (b) Defendant violated §1692d(2) of the FDCPA by using obscene or
4 profane language or language the natural consequences of which is
5 to abuse the hear or reader in connection with the collection of an
6 alleged debt; and

7 (c) Defendant violated §1692e of the FDCPA by using a false,
8 deceptive, or misleading representation or means in connection
9 with the collection of the alleged debt; and

10 (d) Defendant violated §1692e(4) of the FDCPA by giving the false
11 representation or implication that nonpayment of the alleged debt
12 will result in the garnishment of wages of any person when such
13 action is unlawful and the Defendant does not intend to take such
14 action; and

15 (e) Defendant violated §1692e(10) of the FDCPA by using false
16 representation or deceptive means in connection with the collection
17 the alleged debt; and

18 (f) Defendant violated §1692f of the FDCPA by using unfair or
19 unconscionable means in connection with the collection of an
20 alleged debt; and

(g) Defendant violated §1692g(b) of the FDCPA by overshadowing or being inconsistent with the disclosure of the consumer's rights to dispute the debt or request the name and address of the original creditor.

18. Defendant's acts as described above were done intentionally with the purpose of coercing Plaintiff to pay the alleged debt.

19. As a result of the foregoing violations of the FDCPA, Defendant is liable to the Plaintiff, Christianah Arowora, for declaratory judgment that Defendant's conduct violated the FDCPA, actual damages, statutory damages, and costs and attorney fees.

COUNT II – RFDCPA

20. Plaintiff repeats and realleges and incorporates by reference the foregoing paragraphs.

21. Defendant violated the Rosenthal Fair Debt Collection Practices Act ("RFDCPA"). Defendant's violations include, but are not limited to the following:

(a) Defendant violated §1788.13(j) of the RFDCPA by falsely representing that a legal proceeding would be instituted unless payment of the alleged debt was made; and

1 (b) Defendant violated §1788.17 of the RFDCPA by being a debt
2 collector collecting or attempting to collect a consumer debt that is not
3 compliant with the provisions of Sections 1692b to 1692j of the
4 FDCPA, the references to federal codes in this section referring to
5 those codes as they read as of January 1, 2001.
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8 17. Defendant's acts as described above were done intentionally with the
9 purpose of coercing Plaintiff to pay the alleged debt.

10 18. As a result of the foregoing violations of the RFDCPA, Defendant is
11 liable to the plaintiff Kendra Lewis for actual damages, statutory damages, and
12 costs and attorney fees.
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16 WHEREFORE, Plaintiff respectfully requests that judgment be entered against
17 defendant Diversified Collection Services, Inc. for the following:

18 A. Actual damages.
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20 B. Statutory damages pursuant to 15 U.S.C. § 1692k.

21 C. Statutory damages pursuant to Cal. Civ. Code § 1788.30.
22

23 D. Costs and reasonable attorney fees pursuant to 15 U.S.C. § 1692k and
24 Cal. Civ. Code § 1788.30.

25 E. For such other and further relief as the Court may deem just and proper.
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1 RESPECTFULLY SUBMITTED,

2 DATED: June 13, 2012

PRICE LAW GROUP APC

3
4 By: 

5 G. Thomas Martin, III
6 Attorney for Plaintiff

7 **DEMAND FOR JURY TRIAL**

8 PLEASE TAKE NOTICE that Plaintiff, CHRISTIANAH AROWORA
9 demands trial by jury in this action.
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